

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 17, 2003. Claims 1-29 are pending in the present application. The Examiner rejects Claims 1-29. For the reasons set forth below, Applicants respectfully disagree with these rejections.

Rejections Under §103

The Examiner rejects Claims 1-5, 7-13, 15-25 and 27-29 under 35 U.S.C. §103(a) as being obvious over U.S. Patent 6,449,269 issued to Edholm ("*Edholm*") in view of U.S. Patent No. 5,884,025 issued to Baehr, et al. ("*Baehr*"). In addition, the Examiner rejects Claims 6, 14, and 26 under 35 U.S.C. 103(a) as being obvious over *Edholm* in view of *Baehr*, and further in view of U.S. Patent No. 5,896,379 issued to Haber ("*Haber*").

Baehr recites a system for screening data packets transmitted between a private network to be protected and a public network. (*Baehr*, Abstract). The screening system includes a packet filtering subsystem, which determines what actions should be taken on the packet. (*Baehr*, Col. 2; Lines 18-22). Packets received by the screening system are filtered based upon their contents and other criteria, such as their source and destination locations. (*Baehr*, Abstract). The screening system is not a router and does not have its own IP address. (*Baehr*, Col. 2; Lines 32-36). Therefore, packets are processed by the screening system transparently. (*Baehr*, Abstract).

Edholm recites a connectionless base protocol that is leveraged to transfer streaming voice to a destination telephony device. (*Edholm*, Abstract). An IP telephone is provided having a controller and memory to specify a destination IP address. (*Edholm*, Col. 2; Lines 33-35). The IP telephone also includes a packetizer connected to the controller to packetize outbound voice signals. (*Edholm*, Col. 2; Lines 35-39). The system includes a phone server that receives control information and acts as an intermediary that is transparent to the destination telephony device. (*Edholm*, Col. 3; Lines 18-28).

Claim 1 of the present application recites the following:

A method for providing a virtual telephony intermediary between telephony devices, comprising:
receiving telecommunication data in a payload section of a packet sent from a first telephony device at a virtual telephony intermediary;
manipulating the telecommunication data received from the first telephony device; and
communicating the manipulated data to the second telephony device.

Claims 10, 18, and 21 recites similar, although not identical, limitations.

Claims 1, 10, 18, and 21 are Allowable Over *Edholm* in view of *Baehr*

The Examiner recognizes that *Edholm* fails to teach a virtual telephony intermediary between telephony devices. The Examiner also states that *Baehr* discloses the use of a virtual intermediary device – the screening system – between telephony devices. (Office Action mailed 3/17/03, page 2, ¶2, citing *Baehr*, Col. 7; Lines 20-25). However, the *Baehr* screening system is not a *virtual* intermediary between devices. *Baehr's* screening system, which functions as an intermediary between the public and private network, is comprised of hardware such as a memory, a processor, and disk storage. (*Baehr*, FIGURE 8). As such, the screening system is a physical device rather than a virtual intermediary, as disclosed in Claims 1, 10, 18, and 21 of the present application.

In addition, *Edholm* fails to teach or suggest manipulating telecommunication data *in a payload section* of a packet received from the first telephony device, as recited in Claim 1, and similarly, although not identically, in Claims 10, 18, and 21. As used in the present application, manipulating the telecommunications data in a data packet payload may comprise many actions. For example, the virtual telephony intermediary of the present application may manipulate the data by buffering, duplicating, and/or recording incoming data. (Page 21; Lines 10-15). In addition, the telecommunications data in the payload section of a packet may be manipulated by adding or deleting media to the data, such as by adding music to the data stream when the telephony devices are on "hold." (Page 21; Lines 23-31). In contrast, *Edholm* merely discloses that its controller may extract and encapsulate control information from data packets. (*Edholm*, Col. 3; Lines 10-21). Therefore, the "manipulation" accomplished by *Edholm* is not equivalent

to the manipulation performed on telecommunications data as disclosed in the present application since the data being manipulated is data packet control information, which is located in the header of the packet, and not in the payload, as recited in Claim 1 of the present application (and similarly, although not identically, in Claims 10, 18, and 21).

Furthermore, while *Baehr* may disclose that data in a payload of a packet may be manipulated, *Baehr* fails to disclose that this data is *telecommunications data sent from a telephony device and received at a virtual telephony intermediary*, as is recited in Claim 1, and similarly, although not identically, in Claims 10, 18, and 21. In addition, as *Baehr* fails to disclose any telephony devices, the reference likewise fails to disclose that the manipulated data is communicated to a second telephony device.

For at least these reasons, Claims 1, 10, 18, and 21 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 10, 18, and 21 and all claims that depend from those claims.

Claims 2, 10, 18, and 22 are Allowable Over *Edholm* in view of *Baehr*

Claim 2 recites a first logical port associated with a first telephony device and a second logical port associated with a second telephony device. Independent claims 10, 18, and 22 recite similar, although not identical, limitations. With respect to Claim 2, the Examiner states that *Baehr* discloses a port or network interface for each of the two networks. (Office Action mailed 3/17/03, page 3, ¶1, citing *Baehr*, Col. 2; Lines 15+). While *Baehr* may disclose ports or interfaces, the reference fails to disclose ports associated with devices on either side of the screening system. In contrast, Claim 2, and similarly Claims 10, 18, and 22, recite first and second logical ports associated with *first and second telephony devices*, respectively.

For at least this additional reason, Claims 2, 10, 18, and 22 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 2, 10, 18, and 22 and all claims that depend from those claims.

Claims 3, 12, 19, and 23 are Allowable Over Edholm in view of Baehr

Claim 3 recites the step of modifying source address information associated with telecommunications data received at the second logical port from the first telephony device to specify the first logical port of the virtual telephony intermediary. Claims 12, 19, and 23 recite similar, although not identical, limitations. With respect to Claim 3, the Examiner states that "... changing the network address of the packet as it passes through the screen ... so that it appears that all the packets issuing from the screen come from the same host..." discloses the elements of Claim 3. (Office Action mailed 3/17/03, page 3, ¶2, citing *Baehr*, Col. 7; Lines 22-26). However, *Baehr* fails to disclose modifying the source address to *specify the first logical port of the virtual telephony intermediary*, as recited in Claim 3 (and similarly in Claims 12, 19, and 23).

As discussed with respect to Claim 1, the Examiner equates *Baehr's* network screener with the virtual telephony intermediary of the present application. However, *Baehr* actually teaches away from telecommunications source address information modified to *specify the first logical port of the virtual telephony intermediary*, because *Baehr* states that "no network address pertaining to the screening system attaches to a data packet." (*Baehr*, Col. 6; Lines 7-8). Therefore, it would be against the teachings of *Baehr* to modify source address information associated with the received data to specify identifying information of the intermediary device.

For at least this additional reason, Claims 3, 12, 19, and 23 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 3, 12, 19, and 23 and all claims that depend from those claims.

Claims 4, 13 and 24 are Allowable Over Edholm in view of Baehr

Claim 4 recites that modifying source address information in the telecommunication data comprises modifying a source IP address *and port information* in the header of an IP packet. Claims 13 and 24 recite similar, although not identical, limitations. The Examiner states that modification of IP address and port information is disclosed in *Baehr*. (Office Action mailed 3/17/03, page 3, ¶3, citing *Baehr*, Col. 3; Lines 33+). The port information of the present application relates to the logical ports associated with the virtual telephony intermediary.

However, as discussed above with respect to Claim 3, *Baehr* teaches that "no network address pertaining to the screening system attaches to a data packet." (*Baehr*, Col. 6; Lines 7-8). Therefore, *Baehr* does not disclose modifying port information in the header of an IP packet because *Baehr* specifically states that such information is not to be included in its IP packets.

For at least this additional reason, Claims 4, 13, and 24 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 4, 13, and 24.

Claims 7-9, 15-17, and 27-29 are Allowable Over *Edholm* in view of *Baehr*

As discussed above, neither *Edholm* nor *Baehr* disclose manipulating telecommunications data in a payload section of a packet received from a first telephony device. Consequently, the specific manipulation of converting the telecommunications data from a first data format compatible with the first telephony device to a second data format compatible with the second telephony device, as recited in Claims 7, 15, and 27, is not disclosed through the combination of *Edholm* and *Baehr*. Therefore, Claims 7, 15, and 27 are allowable over the cited references. Applicants respectfully request reconsideration and allowance of Claims 7, 15, and 27, as well as Claims 8, 16, and 28, which depend, respectively, from those claims.

In addition, the specific manipulation of replacing telecommunications data with substitute telecommunications data, as recited in Claims 9, 17, and 29, is not disclosed through the combination of *Edholm* and *Baehr*. Therefore, Claims 9, 17, and 29 are allowable over the cited references. Applicants respectfully request reconsideration and allowance of Claims 9, 17, and 29.

Claims 6, 14, and 26 are Allowable Over *Edholm* in view of *Baehr* and *Haber*

The Examiner rejects Claims 6, 14, and 26 under 35 U.S.C. 103(a) as being obvious over *Edholm* in view of *Baehr*, and further in view of U.S. Patent No. 5,896,379 issued to Haber ("*Haber*"). As discussed above, neither *Edholm* nor *Baehr* disclose manipulating telecommunications data in a payload section of a packet received from a first telephony device. Consequently, the specific manipulations of data (i.e. duplicating the data) recited in Claims 6,

14, and 26 are not disclosed through the combination of *Edholm* in view of *Baehr* and *Haber*. Therefore, Claims 6, 14, and 26 are allowable over the cited references. Applicants respectfully request reconsideration and allowance of Claims 6, 14, and 26.



CONCLUSION

Applicants have made an earnest attempt to place this application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Brian W. Oaks".

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